

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO/TORRES

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS, CORP.,
SWEET LIVING FACILITY INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, AND
AMINTA QUINONEZ,

Defendants.

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PLAINTIFF'S MOTION FOR EXTENSION OF PRETRIAL DEADLINES

Plaintiff, Maria Elena Chavez Letona, through her undersigned counsel and pursuant to Fed. R. Civ. P. 12, Local Rule 7.1, and other applicable Rules and laws, requests that the Court extend the parties' deadlines for filing Witness and Exhibit Lists, and Pretrial Stipulations (the "Pretrial Deadlines") based on the following good cause:

1. Under the Court's Scheduling Order [ECF No. 21], the parties were originally set for trial during the two-week period beginning August 26, 2024, with Pretrial Deadlines set as follows:

- a. Plaintiff's Witness and Exhibit Lists due August 7, 2024;
- b. Defendants' Witness and Exhibit Lists due August 9, 2024; and
- c. Pretrial Stipulations due August 13, 2024.

2. Upon the parties' Agreed Motion to Continue Trial and Related Pretrial Deadlines [ECF No. 51], the Court ordered that trial was continued to the two-week period beginning

October 7, 2024, and that all other deadlines were extended by forty-five (45) days. *See* ECF No. 55.

3. Per the Court's Paperless Order granting the parties' Agreed Motion [ECF No. 55], the Pretrial Deadlines were extended as follows:

- a. Plaintiff's Witness and Exhibit Lists due September 21, 2024;
- b. Defendants' Witness and Exhibit Lists due September 23, 2024; and
- c. Pretrial Stipulations due September 27, 2024.

4. After the Court's continuance of trial and extension of the Pretrial Deadlines, Defendant Jose Machado filed his Motion for Summary Judgment [ECF No. 60] and Statement of Material Facts in support thereof [ECF No. 61].

5. Plaintiff then filed her Response to Defendant Machado's Motion for Summary Judgment [ECF No. 72] and Statement of Material Facts [ECF No. 71], to which Defendant Machado filed Replies [ECF Nos. 74-75].

6. In light of the parties' fully briefed Motion for Summary Judgment, which is presently pending before the Court, the Court continued trial *sua sponte* to the two-week period beginning January 13, 2025. *See* ECF No. 82. However, the Order Continuing Trial [ECF No. 82] does not specify whether the Pretrial Deadlines would also be extended.

7. In addition to Defendant Machado's Motion for Summary Judgment, two other pertinent motions are presently pending before the Court which must be resolved before trial: (i) Plaintiff's Motion In Limine [ECF No. 77]; and (ii) Plaintiff's Motion for Spoliation Sanctions [ECF No. 78].

8. Plaintiff will not be able to determine which witnesses or exhibits she intends to present at trial, or the stipulations to which she will agree, until the Court first rules on the Motion

for Summary Judgment [ECF No. 72], Motion In Limine [ECF No. 77], and Motion for Spoliation Sanctions [ECF No. 78].

9. Postponing the Pretrial Deadlines until the month preceding trial should allow the Court sufficient time to rule on the motions above, so that the parties can then decide which witnesses and exhibits they intend to present at trial, and which stipulations they agree to.

10. Pursuant to Fed. R. Civ. P. 6(b)(1) “When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.”

11. It follows that this Court has the power to “control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for litigants.” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); *also see Clinton v. Jones*, 520 U.S. 681, 706-707 (1997).

12. Accordingly, Plaintiff requests that the Court extend the Pretrial Deadlines as follows:

- a. Plaintiff’s Witness and Exhibit Lists due December 18, 2024;
- b. Defendants’ Witness and Exhibit Lists due December 20, 2024; and
- c. Pretrial Stipulations due January 3, 2024.

13. This motion is not being submitted for delay or any other improper purpose.

WHEREFORE Plaintiff, Maria Elena Chavez Letona, respectfully requests that the Court grant her the relief set forth above.

LOCAL RULE 7.1 CERTIFICATION

I HEREBY CERTIFY that, prior to filing this motion, the undersigned has conferred with all parties or non-parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues raised herein, and that Defendants oppose the relief requested above.

Respectfully submitted this 19th day of September 2024.

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